

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JONATHAN M. LOWNSBERRY,

CASE NO: 06-13602

Plaintiff,

vs.

DISTRICT JUDGE THOMAS L. LUDINGTON
MAGISTRATE JUDGE CHARLES E. BINDER

JOHN McNEIL LEES, *et al*,

Defendants.

_____/

ORDER FOR FURTHER PROCEEDINGS

The Court held an in-person conference on July 11, 2007. Plaintiff, who is currently proceeding *pro se*, was accompanied by his mother. It came to light during the conference that Plaintiff's mother is in the process of seeking legal guardianship of Plaintiff on the grounds of mental incompetence. The Court explained to Plaintiff and his mother that, although Rule 17(c) of the Federal Rules of Civil Procedure allows a guardian to sue on an incompetent person's behalf, it does not allow the guardian to be the legal representative of the incompetent person unless the guardian is an attorney. *See Navin v. Park Ridge School District 64*, 270 F.3d 1147 (7th Cir. 2001); *Johns v. County of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997) ("[w]hile a non-attorney may appear *pro se* on his own behalf, he has no authority to appear as an attorney for others than himself"); *Osei-Afriyie v. Medical College of Pennsylvania*, 937 F.2d 876, 882 (3d Cir. 1991); *Cheung v. Youth Orchestra Foundation of Buffalo, Inc.*, 906 F.2d 59 (2d Cir. 1990); *Meeker v. Kercher*, 782 F.2d 153, 154 (10th Cir. 1986).) The Court instructed Plaintiff and his mother that it would allow 45 days for them to resolve this issue and to obtain counsel to represent Plaintiff.

Accordingly, **IT IS ORDERED** that the case is **STAYED** for 45 days or until the Court receives notice from Plaintiff as to the status of the guardianship and legal representation issues. If these issues cannot be resolved in that time period, as the Court informed Plaintiff, the Court will recommend administrative closure of the case until those issues are resolved.

Review of this Order is governed by 28 U.S.C. § 636(b)(1), FED R. CIV. P. 72, and E.D. Mich. LR 72.1(d).

s/ Charles E. Binder

CHARLES E. BINDER
United States Magistrate Judge

Dated: July 18, 2007

CERTIFICATION

I hereby certify that this Order was electronically filed this date, electronically served on Joseph Kwiatkowski, James Mazrum, William Vogelzang and David Wallace, served on Jonathan Lownsberry by first class mail, and served on District Judge Ludington in the traditional manner.

Date: July 18, 2007

By s/Jean L. Broucek
Case Manager to Magistrate Judge Binder